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Patent

Attorney Docket: 271/294

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: ) Group Art Unit: Not yet assigned  
PESTKA, Sidney et al. )  
Serial No.: 10/088,143 )  
Filed: February 22, 2002 )  
For: Cytomegalovirus-Encoded IL-10 )  
Homolog )

TRANSMITTAL OF MISSING REQUIREMENTS

Box PCT Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I. DOCUMENTS ENCLOSED:

In response to the **NOTIFICATION TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**, which was mailed by the Patent Office on May 30, 2002, enclosed are:

- Declaration
- Power of Attorney:  Separate or  Combined with Declaration
- Assignment of the invention to University of Medicine & Dentistry of New Jersey (together with PTO Form 1595)

LA-242637.1

CERTIFICATE OF MAILING

(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

July 30, 2002  
Date of Deposit

Lena Dishakjian

Name of Person Mailing Paper

  
Signature of Person Mailing Paper

Patent

Attorney Docket: 271/294

A copy of the Notice to File Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)

Submission of Sequence Listing with sequence listing in paper and computer-readable forms

Information Disclosure Statement with Form PTO-1449

## II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/>	one month	\$55.00
<input type="checkbox"/>	two months	\$200.00
<input type="checkbox"/>	three months	\$460.00
<input type="checkbox"/>	four months	\$720.00
<input type="checkbox"/>	five months	\$980.00

### Fee

If any extension fee is required, please consider this a petition therefor.

## III. FILING FEES

Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:					\$0.00
Total Claims	-	20	=	0	x \$18.00
Independent Claims	-	3	=	0	x \$84.00
Multiple Dependent Claims	\$280	(if applicable)		<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)		<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS					\$0.00
Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.				<input checked="" type="checkbox"/>	\$0.00
Extension of Time (from above)					\$0.00
Assignment -- \$40 (if applicable)				<input checked="" type="checkbox"/>	\$40.00
TOTAL FEES SUBMITTED HEREWITH					\$40.00

**IV. METHOD OF PAYMENT OF FEES:**

- A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of **\$40.00**.
- The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,  
LYON & LYON LLP

Dated: July 29, 2002

By: Sandra S. Fujiyama  
Sandra S. Fujiyama  
Reg. No. 46,713



**22249**

PATENT TRADEMARK OFFICE

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Los Angeles, CA 90071  
Ph: (213) 489-1600  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,143	Pestka Sidney	271/294

Sandra S Fujiyama  
 Lyon & Lyon  
 633 West fifth Street  
 Suite 4700  
 Los Angeles, CA 90071-2066

INTERNATIONAL APPLICATION NO.

PCT/US00/21213

I.A. FILING DATE	PRIORITY DATE
09/01/2000	09/02/1999

CONFIRMATION NO. 1454  
 371 FORMALITIES LETTER



\*OC000000008189947\*

Date Mailed: 05/30/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Small Entity Statement

Oath/Decl. due 7/30/02  
 DNA Seq. Reg. mat.  
 RECEIVED

JUN 05 2002

U.S. PROSECUTION

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the

requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

**■ APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,143	PCT/US00/21213	271/294

FORM PCT/DO/EO/905 (371 Formalities Notice)